

Application No. 10/580,360
Attorney Docket No. 2316-061635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/580,360 Confirmation No. : 1720
Applicants : Myung Gu KIM et al.
Filed : March 12, 2007
Title : **System for Providing Lyrics for Digital Audio Files**
Group Art Unit : 2164
Examiner : Yuk Ting CHOI
Customer No. : 28289

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

1. I am a citizen of South Korea, and a resident of **seoul**. I am the **CEO** for Taylor Technologies Co., Ltd., the Assignee of the above-identified patent application, and am therefore qualified to speak on the commercial success of the corresponding product. I also have a technical background in the department of electromagnetic technology, which qualifies me as an expert in this field and qualifies me to speak about the prior art.

2. The claimed invention is embodied in software that is operating on various electronics devices including MP3 music players, PMPs (personal media player), and MID players(Mobile Internet Device) sold by other manufacturers . The software is licensed to these manufacturers. In 2009, the revenue received by the Assignee associated with the licensing of the software to Samsung Electronics Co. and other manufacturers was approximately \$1 million.

3. I have reviewed U.S. Pat. App. Pub. No. 2001/0031066 to Meyer and U.S. Pat. App. Pub. No. 2004/0019608 to Obrador. The Obrador publication discloses a management system for organizing media objects (e.g., videos, pictures) in relation to each other based on shared characteristics of the media objects. The characteristics may be substantive content of the media objects or metadata associated with each object. Paragraph [0054] of the Obrador publication discloses the aspect of selecting related media objects using playback length. The Examiner's reasoning for combining the teachings of the Meyer publication with that of the Obrador publication relates to selecting media objects having the highest metadata similarity. However, neither this motivation nor the cited playback length disclosure relates to *differentiating between different files*, as is the purpose of the claimed invention (i.e., the ability

to differentiate between files based on the length of each respective digital audio file is useful because there may be different versions of the same song). In fact, paragraph [0054] of Obrador states that "the relevance criteria used to select the media objects that will be presented contemporaneously with the selected media file may relate to a selected metadata similarity between media objects and the selected media file" (emphasis added). Thus, the playback length data is used to group related files together, as opposed to identifying a unique, particular file. Therefore, a person having ordinary skill in the art would not look to the Obrador reference as it teaches away from any desire to combine the disclosure thereof with that of the Meyer publication.

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

KIM, Myung Gu
<name>
Taylor Technologies Co., Ltd.
Kim Myung Gu
Date 2011. 1. 11